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 Date of Deposit: November 5, 2001

Attorney Docket No.: 19904-015 NATL. (BREESE-15) #4

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Timsit and Quinonero

SERIAL NO: 09/868,663

INTERNATIONAL PCT/FR99/02964

APPLICATION NO:

I.A. FILING DATE: 30 November 1999

PRIORITY DATE : 21 December 98

FOR: MAMMALIAN CELL PREPARATIONS OPTIONALLY TRANSFECTED  
 WITH A GENE CODING FOR AN ACTIVE SUBSTANCE CONTAINING  
 SAME

November 5, 2001  
 Boston, Massachusetts

BOX PCT  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

### TRANSMITTAL

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed on 25 July 2001, attached please find:

- Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pgs.);
- Copy of FORM PCT/DO/EO/905 (1 pg.);
- Combined Declaration and Power of Attorney (3 pgs);
- Petition for Extension of Time for 2 months (2 pgs.);
- Two checks: (#10706) in the amount of \$130.00 in payment of the surcharge fee and (#10707) in the amount of \$400.00 in payment of the extension fee; and
- Postcard.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at telephone (617) 542-6000.

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PATENT TRADEMARK OFFICE

Applicants: Timsit and Quinero  
U.S.S.N. 09/868,663

The Commissioner is hereby authorized to charge any fees which may be required to  
Deposit Account No. 50-0311, Ref. No. 19904-015 NATL. (BREESE-15).

Respectfully submitted,

  
Ivor R. Elmi, Reg. No. 39,529  
Barry J. Marenberg, Reg. No. 40,715  
Attorney/Agent for Applicant  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
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TRA 1589384v1



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/868663	TIMSIT S	19904-015NAT B
INTERNATIONAL APPLICATION NO. 9/25/2001 PCT/FR99/02964		
I.A. FILING DATE      PRIORITY DATE 30 NOV 99      21 DEC 98		
DATE MAILED: 25 JUL 2001		

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as  a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee.  Indication of Small Entity Status.  
 Copy of the international application.  Translation of the international application into English.  
 Oath or Declaration of inventors(s).  Translation of Article 19 amendments into English.  
 Copy of Article 19 amendments.  Other:  
 Priority Document.  
 The International Preliminary Examination Report in English and its Annexes, if any. MINTZ LEVIN, BOSTON  
 Translation of Annexes to the International Preliminary Examination Report into English. PATENT DOCKET DEPT.

RECEIVED

JUL 27 2001

2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- U.S. Basic National Fee.  Copy of the international application.

3. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:  PCT/DO/EO/917  
 PTO-875

Notice of Defective Translation  
 PCT/DO/EO/920

Francine Young

Telephone: 703-305-3662

Pac'd PCT/PTO 05 NOV 2001

Express Mail Label No.: EL 302126983 US  
Date of Deposit: November 5, 2001

Attorney Docket No.: 19904-015 NATL. (BREESE-15)

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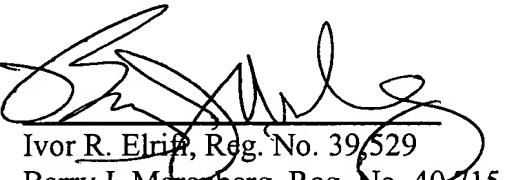
**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Responsive to the Notification of Missing Requirements Under 35 U.S.C. 371, dated 25 July 2001, submitted herewith is an executed Combined Declaration and Power of Attorney for Patent Application for the above-identified patent application. This Response is due on or before 25 November 2001, with two extensions. A petition for an extension of time is being filed concurrently herewith. A copy of Form PCT/DO/EO/905 is also enclosed.

• Applicants: Timsit and Quinero  
U.S.S.N. 09/868,663

Please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 50-0311, Ref. No. 19904-015 NATL. (BREESE-15). A duplicate of this letter is enclosed.

Respectfully submitted,



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Dated: November 5, 2001